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In re Application of  
Fink Ronald et al  
Application No. 10/065,131  
Filed: September 19, 2002  
Attorney Docket No. 65564816

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NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 has not been accepted. The notice filed September 19, 2002 is not signed by (1) a registered attorney or agent of record appointed in compliance with §1.34(b); (2) an assignee as provided under §3.71(b) or (3) all of the applicants (§1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with §3.71. See 37 CFR §1.33.

Further correspondence with respect to this matter should be addressed as follows:

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